REMARKS

Claims 1-7 and 9-10 are pending in the Application. Claim 8 has been cancelled. Claims 1 and 7 have been amended. Support for the amendments can be found in the specification as originally filed. No new mater has been added.

REJECTIONS UNDER 112

Claims 1-10 stand rejected under 35 USC 112, second paragraph as failing to particularly point out and distinctly claims the subject matter. The rejection should be withdrawn in view of the amendment above and remarks below.

Regarding in Claim 1 the methyl methacrylate, methyl methacrylate has been deleted as a component in A.2. Reconsideration is requested.

Regarding Claim 7, the terms "i" and "ii" have been deleted and terms with antecedent basis have been added. Reconsideration is requested.

Regarding Claim 8, Claim 8 has been cancelled.

REJECTIONS UNDER 103

1. Claims 1-4 and 6-10 stand rejected under 35 USC 103 as being unpatentable over Hanes in view of Roach. The rejection should be withdrawn in view of the remarks below. Reconsideration is requested.

It is well settled that to establish a *prima facie* case of obviousness, the USPTO must satisfy all of the following requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Second, the proposed modification does not have a reasonable expectation of success, as determined from the vantage point of one of ordinary skill in the art at the time the invention was made. *Amgen v. Chugai Pharmaceutical Co.* 18 USPQ 2d 1016, 1023 (Fed Cir, 1991), *cert. denied* 502 U.S. 856 (1991). Third, the prior art reference or combination of references must teach or

10. (Original) A thermoplastic molding composition comprising

(i) a copolymer having a number average molecular weight of 30 to 120 kg/mole and weight average molecular weight of 60 to 240 that is a product of polymerization of

(A.1) at least one member selected from the group consisting of styrene, nucleus-substituted styrene, and methyl methacrylate and

(A.2) at least one member selected from the group consisting of acrylonitrile, methyl methacrylate, maleic anhydride, N-alkyl-substituted maleic imide and N-aryl-substituted maleic imide, and

(ii) a styrene-butadiene-styrene (SBS) block copolymer having butadiene content of 20 to 30 percent relative to its weight,

where the content of (A.2) in the copolymer is 19 to 27.5% relative to the weight of the copolymer, the composition being characterized in that its haze value is not greater than 15% and in that its transmittance is greater than 87%.

suggest all of the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496, (CCPA 1970).

Applicant's invention is direct to a thermoplastic molding composition comprising (i) a copolymer having a number average molecular weight of 30 to 120 kg/mole and weight average molecular weight of 60 to 240 that is a product of polymerization of

(A.1) at least one member selected from the group consisting of styrene, nucleus-substituted styrene,-and methyl methacrylate and

(A.2) at least one member selected from the group consisting of acrylonitrile, maleic anhydride, N-alkyl-substituted maleic imide and N-aryl-substituted maleic imide, and

(ii) a styrene-butadiene-styrene (SBS) block copolymer having butadiene content of 20 to 30 percent relative to its weight,

where the content of (A.2) in the copolymer is 19 to 27.5% relative to the weight of the copolymer.

The Office Action alleges that:

> There are no specific examples in Hanes in which all of applicants' specified parameters such as weight average molecular weight and maleic anhydride content as well as acrylonitrile are present. However choice of such based o n the disclosure of the primary reference (with he exception of choice of applicants' weight average molecular weight) would have been obvious to a practitioner based entirely on the disclosure of the primary reference given that applicants' materials are disclosed to be useful in Roach and in the expectation of adequate results absent any showing of surprising or unexpected results. With regard to applicants' weight average molecular weights, note Roach at column 5 lines 18-32 where it is disclosed that molecular weight distribution is an important variable with regard to the beneficial characteristics of macromolecular compositions such as processability and that broad molecular weight distribution in fact is beneficial with regard to processability. Therefore to arrive at applicants' weight average molecular weights based on the disclosure of the number average molecular weights in Hanes and the disclosure of Roach that weight average molecular weight over number average molecular weight is an important result effective variable with regard to processability, it would have been obvious to a practitioner having ordinary skill in the art at the time of the

> invention in that it requires only routine experimentation to find the optimum or workable range of a result effective variable absent any showing of surprising or unexpected results.

However, Roach discloses a process for making polyerethaneureas that is directed to improved processing characteristics of a powder that can be used to spin spandex or melt extrude or solutions techniques. Although Roach does describe that the average molecular weight is "an important variable and contributes to may physical properties and processing characteristics," there is no teaching or suggestion to the effects as related to a thermoplastic molding composition having low haze, high light transmission, good processability and ductibility of Applicant's invention. Thus, one skilled in the art would not read the disclosure of Roach and apply it to thermoplastic molding composition without having to complete undue experimentation.

Accordingly, one skilled in the art would not modify Hanes in view of Roach and arrive at Applicant's invention.

Claims 2-4, 6, 7 and 9-10 depend from Claim 1, which as discussed are believed to be allowable. Thus, Claims 2-4, 6, 7 and 9-10 are also believed to be allowable. Reconsideration is requested.

2. Claims 1-10 stand rejected under 35 USC 103 as being unpatentable over Yamoka et al in view of Roach and Hanes (Hanes relied upon for Claims 8 and 10). The rejection should be withdrawn in view of the remarks below.

As discussed, neither Roach or Hanes, alone or in combination, teach or suggest Applicants' invention.

Yamoka et al is directed to a method of injection molding and the Office Action indicates that:

> There are no specific examples in which both of applicants' components in combination within all the parameters of applicants' claims although the Examples of Yamaoka are very similar to that of applicants. Furthermore Yamaoka et al. do not disclose that their composition is transparent and are silent on this limitation of applicants.

Thus, the prior art reference or combination of references do not teach or suggest

all of the limitations of the claims. Accordingly, Yamaoka, alone or in combination with Hanes and/or Roach do not teach or suggest Applicants' invention.

Claims 2-4, 6, 7 and 9-10 depend from Claim 1, which as discussed are believed to be allowable. Thus, Claims 2-4, 6, 7 and 9-10 are also believed to be allowable. Reconsideration is requested.

In view of the above amendments, Applicants submit that the claims are in condition for allowance and the Examiner would be justified in allowing them.

Respectfully submitted,

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